IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Crl.Rev.Pet.No. 3385 of 2007()

CRA.208/2006 of ADDL. SESSIONS COURT (ADHOC)-II, ALAPPUZHA
CC.554/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONER: APPELLANT/ACCUSED:

K.J. VINCENT, AGED 60 YEARS,
S/O. DEVASSI YOHANNAN, KARAKKATTU VEEDU,
CHETHY P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAMANATHAN

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE:

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1. U. SUKUMARAN NAIR, AGED ABOUT 59 YEARS,
SOORAJ HOUSE, KARIKKADU P.O., THANNEERMUKKOM,
CHERTHALA, ALAPPUZHA.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR
SRI.THOMAS JOSEPH FOR R1

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No.3385 of 2007

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Dated: 19-09-2007

ORDER

The accused in C.C. No.554 of 2003 on th**e file** of the Chief Judicial Magistrate of the First Class-II, Cherthala for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. **Crl.M.A.No. 9886 of 2007** has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Consequently, the sentence imposed on the revision petitioner by the courts below cannot be executed against him and warrants, if any, pending against him shall not be executed unless his apprehension and custody is necessary in connection with other case.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

ani.

V. RAMKUMAR, J.

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Crl.R.P. No.....

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Dated: 24th August 2007

ORDER

The accused in C.C. / ST. No.....on th**e file** of the J.F.C.M..... for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. .....of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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